

### **REMARKS/ARGUMENTS**

Reconsideration of this Application is respectfully requested. Claims 1-18 are pending, with 1, 2 and 6 being the independent claims. In view of the following remarks, favorable consideration and allowance of the application is respectfully requested.

#### **Examiner Interview May 25, 2007**

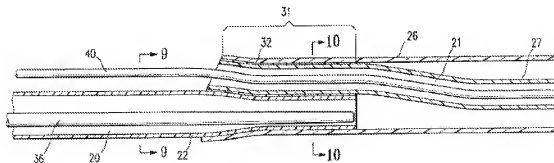
Applicant appreciates the consideration extended to Applicant's representative during the telephonic interview of May 25, 2007. The Interview Summary (Paper No. 20070525) accurately reflects the substance of the interview and is incorporated by reference herein.

#### **Allowable Subject Matter**

Claims 1 and 6-18 are indicated as allowed.

#### **35 U.S.C. §102(e) Rejections**

Claims 2-5 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publ. No. 2003/0105427 to Lee et al. The Examiner states that the rapid exchange catheter of Lee et al. discloses the elements of claim 2 particularly noting that the bracketed portion (31) (shown in FIGS. 1 and 8 below) is a proximal shaft defining a guidewire lumen (21) and refers to outer tubular member (26) of distal shaft section (19) in FIG. 8 as a catheter with a full length guidewire lumen. See Final Office Action, pp. 2-4.



**FIG. 8**

Applicant avers that claim 2 is not anticipated by Lee et al. because the catheter of claim 2 includes a proximal shaft with a guidewire lumen and further recites that the catheter has “a full length guidewire lumen.” In contrast, the catheter of Lee et al. is a *rapid exchange* catheter with a guidewire lumen only extending within a distal portion thereof. See Lee et al. ¶¶ [0014], [0017], [0021], [0024], [0027].

With reference to FIGS. 1 and 8 of Lee et al., the rapid exchange catheter (10) includes a guidewire lumen (21) only in distal shaft section (19) as the guidewire lumen (21) starts at a guidewire proximal port (29) where the catheter “transition[s] between the single lumen proximal shaft section [18] and the multilumen distal shaft section [19].” Lee et al. ¶ [0027].

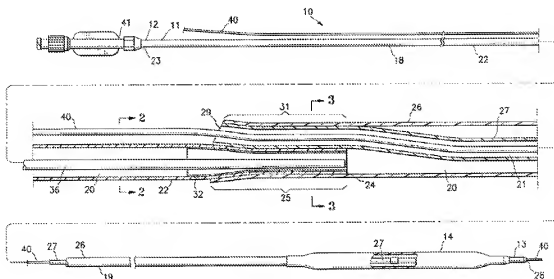


FIG. 1

Applicant contends that it is an unreasonable interpretation of the teachings of Lee et al. to conclude that it discloses anything other than a rapid exchange catheter. Further, Applicant avers that it would be inaccurate in the art to view outer tubular member (26) of the distal shaft section (19) as a separate “catheter” with “a full length guidewire lumen” as suggested by the Examiner. Accordingly, independent claim 2 is not anticipated by and is patentable over the Lee et al. publication.

Claims 3-5 depend from and add further features to independent claim 2 and are patentable for that reason alone. While it is not necessary to address the Examiner’s

rejection of the dependent claims at this time, Applicants reserve the right to support their patentability, when necessary.

### CONCLUSION

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221

Respectfully submitted,

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